668 the remaining left wing of the association split again into the communistic and the social-democratic groups, and the latter was expelled from the association. The moderate Taiwan People's Party again split into the conservative rich landlord group and the more radical middle class group. The former group organized the Taiwan League for Local Self-Government in 1929, and in the meeting of the party in 1930, was expelled by the more radical group. But at the same time, the party was disbanded by the colonial government. Thus, by 1930, among the Formosans, there were (1) a communistic group, (2) a social-democratic group, (3) a more radical middle-class group, and (4) a conservative landlord group.

474 2. Farmer's Associations: The influence of
427 this movement could not fail to reach the
668 farmers. In 1924 a dispute arose between
671 sugar cane farmers and a sugar corporation. Under the leadership of a local doctor, the dispute was settled in favor of the farmers. This encouraged the farmers, and in next year the Association of Sugar Cane Farmers was organized. Some farmers had reclaimed government-owned land without permission. This was denounced as illegal, and in 1926 nearly four thousand hectares of this kind of land were distributed to 370 Japanese retired officials. This provided impetus for farmers

474 to unite and fight. Moreover, farmers were
427 under the heavy yoke of the landlord, and
668 most of landlords were local people. On
671 Formosa, 53 per cent of the farm land was tenant land, and tenants had to pay about half of their harvest to the landlord as rent. Moreover, the tenant farmer has various other obligations toward the landlord. This situation was unbearable even to the most subservient tenants, and they often submitted complaints against landlords to legal arbitration. Under the threefold pressure of the sugar corporation, retired Japanese officials and landlords, the farmers were always ready to rebel at the slightest provocation. The sparks kindled in 1924 spread and many farmers's association were organized. It is interesting to note that the name of the association thus organized was not the "association for agriculture," but the "farmer's association." In 1926 these local associations were united into the Taiwan Farmers' Association. Campaigns against the landlord under the direction of the association rapidly increased. There were 5 such cases of disputes in 1924, 4 cases in 1925, 15 cases in 1926, in 1927 the number jumped to 431 cases (2,127 persons involved) and in 1928 dropped back to 134 cases (3, 149 persons involved) in 1928. The magnitude of the dissatisfaction stimulated the Japanese to action and suppression was begun in 1929. With the Japanese invasion of Manchuria in 1931

ruthless means of suppression were adopted in the name of internal consolidation. The cases of farmers opposing landlords dropped sharply to 23 cases in 1929, 28 cases in 1930, and 16 cases in 1931. However, the influence of the movement on Formosan society, especially on social relations between landlords and tenants was undeniable. The government sponsored landlord-tenants associations after 1924 were a means to mitigate the tense situation of the time.

3. Labor Unions: The new social currents also reached factory workers. Labor unions for various trades were organized, and in 1927, 29 local unions were federated into the Taiwan Federation of Workers Unions. At the end of the year participating units increased to 65, and the number of members amounted to 7,861. In 1928 the League of Taiwan Mechanical Workers was organized under separate leadership. Several strikes were directed by the leagues. Both the farmers associations and the worker's unions received co-operation from associations and unions in Japan. Generally speaking, because of the backwardness of Formosan industry at that time, the activity of labor unions was not as conspicuous as that of the farmers. The activity of the union also faded out under the pressure of government suppression in 1929 and 1931. In 1932 almost all labor leaders were arrested, and in 1937, the year

Annex "A," Subparagraph 2d,
Political Background

LAW AND ORDER

I. CRIMINAL CODES AND PROCEDURES

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671 The Criminal Code of the Republic of China was first enacted on March 10, 1928 and revised on January 1, 1935. The revised text came into force on July 1, 1935. The main provisions of the Chinese Criminal Code may be stated as follows:

A. Individual Responsbility. No person shall be held guilty of an offense not expressly covered in the Criminal Code. Chinese jurisprudence does not tolerate the principle of collective responsibility prevailing during the Japanese occupation, under which the family or the village could be held to share in the guilt of any of its members, fathers were punished with their sons for crimes committed by their sons, or the village leader was punished for an offense of a villager.

B. Criminal Liability. An unpremeditated or negligent act shall not be punishable except when specifically made punishable by law. As to the capacity to commit a premeditated crime, insofar as age is concerned, it is provided in the Criminal Code than an act committed by someone under fourteen years of age is not subject to punishment. Where

681 671 the offender is over fourteen and under eighteen years of age, the sentence may be reduced. Likewise, a person judged to be insane is not held accountable for his acts. When a criminal act is committed by a person who is feeble-minded, the sentence may be reduced.[1] The Chinese Criminal Code has adopted the principle that the prevention of crime is more important than its punishment. Preventative laws require that juvenile delinquents be detained in reformatories for rehabilitation, insane persons be kept in some appropriate institution for their own protection, opium addicts and habitual drunkards be sent to hospitals for cure, and vagrants be compelled to work.[2] The government is now drafting a set of laws concerning juvenile delinquency, but has not yet presented the statutory bill to the Legislative Yuan for discussion and approval.

C. Suspension of Sentence. The Criminal Code also permits suspension of punishment and conditional release. Whoever during the execution of a sentence of imprisonment shows evidence of repentance may, after having served ten years of his sentences in cases of imprisonment for life or after having served

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1. Articles 18 and 19, Criminal Code, 1935.

2. Wen-yu Tsao, "The Development of Chinese Law," Free China Review, Vol. 3, No. 10, Oct. 1953, pp. 29-31.

half of his sentence in cases of imprisonment for a lesser period, be granted conditional release upon application of the prison authorities to the highest judicial administration. The sphere of conditional release has been enlarged by a series of measures controlling convicts, which took effect on August 23, 1954.

The Code of Criminal Procedure was promulgated by the Nationalist Government on January 1, 1935, and enforced on July 1, 1935. The main features of the code may be stated as follows:

A. Public Prosecution. The procurator represents the state. He institutes public prosecution when the evidence obtained during preliminary investigation is sufficient to warrant suspicion of the accused. Public trial may be instituted even if the whereabouts of the accused is unknown.

The Code of Criminal Procedure provides that no complaint may be filed charging offenses against morality or the institutions of marriage and the family except by a particular party such as the lineal descendants by blood of the parties concerned or the spouse, as specified in the code.[3] A procurator need not prosecute cases involving offenses he considers obviously trivial and pardonable.

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3. Articles 230, 239, 240, Criminal Code, 1935.

695 A party not satisfied with the judgment of the lower court may appeal to a higher court. The procurator, advocate, statutory agent, or spouse of the accused may also appeal on behalf of the accused. And a party not satisfied with the verdict rendered by a high court sitting as court of first or second trial may direct his appeal to the supreme court. But no appeal may be taken from the court of second trial to the supreme court for a third trial in cases involving the trivial offenses specified in Article 61 of the Criminal Code.

E. Retrial and Extraordinary Appeals. When the period for filing an appeal has elapsed, or the judgment has been rendered by the supreme court or high court at the final trial, the judgment is final. There is no other remedy for the person convicted except application for retrial or an extraordinary appeal filed in the supreme court by the procurator general, in accordance with the provisions of the Code of Criminal Procedure.

After a judgment is final, an application for a retrial may be made in the interest of the person sentenced only if the original judgment was based on evidence which can be proved to have been forced or altered or where incontrovertible evidence is discovered to prove that the sentenced person is innocent.

671 695 Article 434 of the Code of Criminal Procedure provides that if it is discovered after the judgment becomes final that the con-

671 duct of the trial was contrary to law, the
695 procurator of the supreme court may file an extraordinary appeal in the supreme court.

674 It should be noted that the number of criminal cases is on the increase. The number reported in 1952-53 far exceeded the number reported under Japanese rule. One writer attributed the increase in the number of criminal cases on Formosa to the mitigation of punishments under the Chinese law and the relaxation of police control.[7] Of course the enormous growth of population is an important contributory cause of the increase in the number of violations. It is generally conceded that the Chinese Criminal Code is impartially administered and leniently interpreted.

697 There are eleven penitentiaries and twelve detention houses in Formosa. Juveniles are confined in the penitentiary at Hsinchu. There have been attempts to improve the facilities and the administration of the prisons in recent years. Wardens appointed to the prison must have had a high school education. The inmates are required to attend citizenship classes for two hours a day. In the workshops they are taught a variety of trades which will fit them for work outside the prison. Twenty-five per cent of the proceeds derived from their work is paid to the prisoners in exchange for their labor. The prisoners have opportunity for daily exercise and undergo physical examinations at regular intervals. Each prison has

7. Lih-wu Han, Taiwan Today, Taipei, 1952, p. 47.